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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,437	09/03/1999	SULTAN WEATHERSPOON	5038-12	5396
20575	7590	02/09/2004		
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			EXAMINER LEE, CHI CHUNG	
			ART UNIT 2135	PAPER NUMBER
DATE MAILED: 02/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,437

Applicant(s)

WEATHERSPOON ET AL.

Examiner

Chi-Chung E Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The drawing submitted on 10/31/03 has been accepted.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 9, are remain rejected under 35 U.S.C. 102(e) as being anticipated by Holmes (US 6,334,056 B1).

As per claim 1, Holmes discloses a secure wireless local area network [see figure 1], comprising:

- a) a firewall that enforces a security policy to control access to a wired computer LAN [see column 4 lines 8-10 and figure 3];

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- b) a wireless device (i.e. a handheld device 10, see figure 1) coupled to a wireless device operator (i.e. device user, see column 3 lines 2-14);
- c) an access point (i.e. an router, see figure 3) coupled to the wired computer LAN to authenticate the wireless means (i.e. from a known service provider and a registered device, see column 5 lines 29-33];
- d) an authentication server (i.e. proxy server, see figure 3) coupled to the wired computer LAN to enable the operator's access through the wireless access means to the wired computer LAN after authenticating the access means (i.e. router/firewall), the wireless device (i.e. handheld device), and the operator (i.e. user, see figures 3 and 4).

As per claim 9, Holmes discloses a secure wireless local area network [see figure 1], comprising:

- a) a firewall means that enforce a security policy to control access to a wired computer LAN [see column 4 lines 8-10 and figure 3];
- b) a wireless means (i.e. a handheld device 10, see figure 1) coupled to a wireless device operator (i.e. device user, see column 3 lines 2-14);
- c) an access means (i.e. an router, see figure 3) coupled to the wired computer LAN to authenticate the wireless means (i.e. from a known service provider and a registered device, see column 5 lines 29-33];
- d) an authentication server means (i.e. proxy server, see figure 3) coupled to the wired computer LAN to enable the operator's access through the wireless access means to the

wired computer LAN after authenticating the access means (i.e. router/firewall), the wireless device (i.e. handheld device), and the operator (i.e. user, see figures 3 and 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8, 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al (US 6,334,056 B1) as applied to claim 9 above, and further in view of Nevoux et al (US 5,661,806 A).

As per claims 10-11, Holmes discloses the authentication process between router/firewall and proxy in column 5 lines 27-52. Holmes fails to disclose the router/firewall includes a first authentication means and proxy server includes a second authentication server to authenticate each other.

Nevoux discloses the mobile station comprises a terminal, PA, associated with a user module SIM (i.e. the second authentication means, see figure 1 and column 3 lines 31-35). The SIM transmits the user identification parameter IMUI to the terminal. The terminal then issues a sign-on request which includes the IMUI it has just received from the module SIM and its own identification parameter IMTI (i.e. second authorization message, see column 4 lines 45-49) to access system SAA. The access system, VLR, generate two random numbers R1, R2, and authentication key SRES (i.e. first

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authorization message, see figure 2) to the terminal through the access system [see column 4 lines 45-52].

References Nevoux and Holmes are analogous art because they are from the same field of endeavor" of wireless telecommunication.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to employ the mutual authentication process within the system of Holmes because it is well known in the art that a mutual authentication provides a secured communication process between two parties.

One of ordinary skill in the art would have been motivated to add the mutual authentication process between router/firewall and proxy server to provide a process for secure controlling the wireless device to access to a telecommunication network.

As per claims 12,14, Nevoux discloses the VLR (i.e. first authentication means, see figure 1) transmits the second authentication message (i.e. IMTI) and first authentication message (i.e. random numbers R1, R2, and authentication key SRES) to the authentication means (i.e. HLR, see figure 1) after authenticate the wireless device (i.e. terminal) [see column 5 lines 1-25].

As per claim 15, Nevoux discloses the communication between the wireless device (i.e. mobile station) and the access means (i.e. the access system) over the control channel are encrypted. Nevoux discloses the access control process of the wireless network employs

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two distinct cryptographic functions AG and AT to calculation session keys to handle the communication [see column 4 lines 8-23].

As per claim 13, Nevoux discloses the second authentication means (i.e. module SIM, see figure 1) takes either the form of a memory card (i.e. smart card), or the form of a plug-in component in which are stored various user-specific data [see column 3 lines 33-35].

Nevoux also discloses the first authentication means (i.e. VLR with process circuit 13, see figure 1) comprises a database 12 (i.e. memory with data) containing a session key in connection with the parameters IMUI and IMTI from the terminal. Nevoux does not disclose the first authentication means (i.e. VLR with processing circuit 13) is smart card. As disclosed in computer dictionary, use of smart card was known prior to applicant's filing date. Motivation to include the components of the VLR (i.e. the first authentication means) in the smart card is to allow the access system to update the terminal location information stored in the database 12 [see Nevoux column 5 lines 62-67].

Claims 2-8 have similar limitations as claims 10-12, 14-15; therefore, they are rejected under the same rationale.

As per claims 16-20, the claimed steps corresponds to the functions of the elements of the apparatus claims 10-12, 14-15, which has been rejected above, and thus rejected with the same reason applied thereto.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153. The examiner can normally be reached on 8 am - 6 pm, Monday - Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. L.

Chi-Chung Lee
2/8/2004


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